



# PUBLIC NOTICE

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## WIRELESS TELECOMMUNICATIONS BUREAU

### COMMENTS INVITED ON REGION 24 (MISSOURI) 700 MHz REGIONAL PLANNING COMMITTEE PROPOSED PUBLIC SAFETY PLAN

WT Docket No. 02-378

Comment Date: May 15, 2005

Reply Date: May 31, 2005

On March 7, 2005, the Region 24 (Missouri) 700 MHz Regional Planning Committee ("Region 24") submitted a proposed plan (Plan) for the use of the 12.5 megahertz of spectrum in the 764-776 and 794-806 MHz band (700 MHz public safety band) designated for General Use.<sup>1</sup> Region 24 requests Commission review and approval of the Plan.

By way of background, the Commission adopted a band plan for the 700 MHz public safety band in 1998, and established a structure to allow regional planning committees (RPCs) optimal flexibility to meet state and local needs, encourage innovative use of the spectrum, and accommodate new and as yet unanticipated developments in technology and equipment.<sup>2</sup> There are fifty-five RPCs, and each

<sup>1</sup> See Letter dated Mar. 7, 2005, from Stephen T. Devine, Chairman, Region 24 to Marlene H. Dortch, Secretary, FCC (submitting the Region 24 700 MHz Plan on behalf of the Region 24 700 MHz Regional Planning Committee). Region 24 previously submitted a proposed plan in September 2003, which the Public Safety and Critical Infrastructure Division (Division), Wireless Telecommunications Bureau determined to be deficient in the following respects: (1) evidence of successful coordination with adjacent regions, and (2) demonstration of adequate notice to all eligible entities and regional planning committee membership information. See Letter dated Mar. 29, 2004, from D'wana R. Terry, Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau to Stephen T. Devine, Chairman, Region 24 (Division Letter). Region 24 filed a petition for reconsideration of the Division's determination on April 7, 2004, but withdrew the petition on March 7, 2005. See Region 24 Motion to Withdraw Petition for Reconsideration, WT Docket 02-378 (filed Mar. 7, 2005). The Division granted the withdrawal request on March 11, 2005. See In the Matter of Region 24 (Missouri) 700 MHz Regional Committee Proposed Public Safety Plan, Order, WT Docket 02-378, DA 05-645 (WTB PSCID rel. Mar 11, 2005). The current Plan addresses the deficiencies previously identified by the Division, and the Plan has been modified to correct certain administrative errors.

<sup>2</sup> See 47 C.F.R. § 90.527; see also The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements through the Year 2010, *First Report and Order and Third Notice of Proposed Rulemaking*, WT Docket No. 96-86, 14 FCC Rcd 152 (1998) (*First Report and Order*); *Second Memorandum Opinion and Order*, 15 FCC Rcd 16844 (2000).

committee is required to submit its plan for the General Use spectrum.<sup>3</sup> The Commission's role in relation to the RPCs is limited to (1) defining the regional boundaries; (2) requiring fair and open procedures, *i.e.*, requiring notice, opportunity for comment, and reasonable consideration; (3) specifying the elements that all regional plans must include; and (4) reviewing and accepting proposed plans (or amendments to approved plans) or rejecting them with an explanation.<sup>4</sup>

The Commission expects RPCs to ensure that their committees are representative of all public safety entities in their regions by providing reasonable notice of all meetings and deliberations, and plans must include an explanation of how all eligible entities within the region were given such notice.<sup>5</sup> For the initial meeting called by the convenor to form the RPC and hold elections, the Commission requires at least sixty days for appropriate public notifications.<sup>6</sup> Adequate notice of meetings and identification of the matters to be discussed are key to the success of the regional planning process.

Regional plans and plan amendments must be submitted to the Commission for review and approval. In developing their regional plans, RPCs must ensure that their proposed plans comply with the rules and policies governing the 700 MHz public safety regional planning process.<sup>7</sup> We also encourage the RPCs to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).<sup>8</sup>

RPCs may approach the assignment of the spectrum differently, *e.g.*, by making specific assignments to eligible public safety entities, or by establishing an allotment pool approach based on

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<sup>3</sup> A list of 700 MHz regional planning committees and region activities is available at <http://wireless.fcc.gov/publicsafety/700MHz>. Each regional plan must contain certain elements, and must be coordinated with adjacent regions. *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84, 195 ¶ 87.

<sup>4</sup> *Id.* at 195 ¶ 87.

<sup>5</sup> *Id.* at 193-94 ¶ 84. RPCs must promptly adopt operating procedures that "ensure that all entities will be given reasonable notice of all committee meetings and deliberations." *Id.* at 195 ¶ 86.

<sup>6</sup> *Id.* at 195 ¶ 86 & n.220.

<sup>7</sup> 47 C.F.R. § 90.527; *see also First Report and Order*, 14 FCC Rcd at 190-196 ¶¶ 77-89.

<sup>8</sup> The NCC was a federal advisory committee established by the Commission in 1999 to address and advise the Commission on operational and technical parameters for use of the 700 MHz public safety band. The NCC was also tasked with providing voluntary assistance in the development of coordinated regional plans, and developed a *Regional Planning Guidebook*. Following the sunset of the NCC's charter on July 25, 2003, the National Public Safety Telecommunications Council (NPSTC), agreed to continue to provide assistance to regional planners. A copy of the 700 MHz Regional Planning Guidebook is available at the NPSTC website <http://www.npstc.org/documents.html>.

political boundaries such as counties.<sup>9</sup> The Region 24 Plan pre-allocates both narrowband and wideband General Use channels by county as listed in the Region 24 Channel Allotments, Appendix G.<sup>10</sup>

We have reviewed the Plan recently submitted by Region 24 and find it to be sufficient and compliant with the applicable FCC rules and policies.<sup>11</sup> Thus, we accept the Plan.

Prior to taking further action on the Plan, by this Public Notice, we solicit comments on the Plan. Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on the Region 24 700 MHz Regional Plan on or before **May 15, 2005** and reply comments on or before **May 31, 2005**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.<sup>12</sup>

Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments. For ECFS filers, when completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and should reference **WT Docket No. 02-378**. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must file an original and four copies of each filing. Filings may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor will receive hand-delivered or messenger-delivered paper filings or electronic media for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries

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<sup>9</sup> Region 24 utilized the frequency packing program within the Computer Assisted Pre-coordination Resource and Database System (CAPRAD) administered by the National Law Enforcement and Corrections Technology Center-Rocky Mountain Region (NLECTC-RM) to create its channel allocation plan. The NLECTC-RM is a program of the National Institute of Justice and is sponsored by the University of Denver through the Denver Research Institute. The CAPRAD system available at <http://caprad.nlectc.du.edu>.

<sup>10</sup> See Plan Appendix G Channel Allotments. Region 24 frequencies were pre-allocated in county-like area (the area within the county as well as a distance of up to ten miles outside of the county) frequency pools. Region 24 believes that such an extended county area will enable Region 24 to maximize channel-reuse of any "orphan" channels. Given this approach, after Commission approval is obtained, any modifications to the existing Region 24 Channel Allotment list, and the extended parameters described above, will require an amendment to the Plan.

<sup>11</sup> Notably, Region 24 recirculated its proposed revised Plan to all eight adjacent regions, obtaining the required Letters of Concurrence from the formerly unformed regions Region 4-Arkansas and Region 34-Oklahoma. In addition, new Letters of Concurrence were obtained from Region 13-Illinois, Region-15 Iowa, Region 17-Kentucky, Region-16 Kansas, Region 26-Nebraska, and Region 39-Tennessee. The Plan also includes copies of published meeting announcements, notices and a detailed membership list. Finally, Region 24 has removed the frequency give-back procedure which the Division determined to be outside the scope of authority the Commission vested in the 700 MHz RPCs. See *Division Letter* at 4-5.

<sup>12</sup> See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

Commercial and electronic media sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0531 (voice) or (202) 418-7365 (TTY).

Information on the 700 MHz Regional Planning process and RPC activities is available at <http://www.wireless.fcc.gov/publicsafety/700MHz>. For further information, contact Jeannie Benfaida, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, at (202) 418-0680, TTY (202) 418-7233, or via e-mail to [Jeannie.Benfaida@fcc.gov](mailto:Jeannie.Benfaida@fcc.gov).

Action by the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau.

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